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04/13/2007

**Editorial****Repeated violations show county's contempt for law**

Michigan's open government laws are just that: They're laws, not suggestions, not something to wink at.

The Open Meetings Act and Freedom of Information Act are designed to ensure public access to government decisions, including how government uses tax dollars. Yet too many officials in this neck of the woods continue to treat public access laws as mere inconveniences, a corrosive mindset that undermines public participation and oversight.

Locally, there's perhaps no bigger offender in recent years than the Benzie County government.

Bob Blank's tenure as Benzie sheriff cost local taxpayers hundreds of thousands of dollars this decade, public money frittered away on lost lawsuits, settlements and attorney fees tied to Blank's efforts to conceal rogue behavior in his department.

The Benzie County Board of Commissioners also struggles with the open government concept. Last month, in the latest of a series of decisions, local circuit Judge James Batzer ruled the county board repeatedly violated the Open Meetings Act. He'd previously found county officials violated FOI laws, as well, findings prompted by lawsuits filed by Benzie resident Eric VanDussen.

VanDussen is pesky as a gnat, and for years has had sheriff's and county board officials flailing their arms in unsuccessful attempts to swat him down. He's the epitome of a local government gadfly, and VanDussen causes county officials ample headaches, largely because he understands the laws that guarantee public access to government.

In fact, he appears to more fully understand the intent of those laws than do Benzie's elected and appointed officials. Batzer chided VanDussen during last month's court hearing, in effect suggesting he do a better job of picking his battles. Batzer also waved off VanDussen's complaint that the county charges too much to copy public documents. But Batzer acknowledged the bigger picture — that the county erred on multiple occasions while conducting public business, violations that include improperly closed board sessions.

County lawyers also conceded that officials improperly handled VanDussen's FOI requests by delaying responses without offering a reason and acted arbitrarily when they refused to provide documents in response to legitimate FOI requests.

Batzer blamed much of Benzie officials' failings on technical stumbles, but the county has a history of trying to discourage those who ask questions and demand their officials be accountable for their actions.

VanDussen in recent years began requesting tape recordings of county commission meetings in an effort to monitor the board's actions. He contends the tapes contained evidence of OMA violations, or at least inconsistencies between recordings and meeting minutes. The county's response? They stopped recording meetings, a retaliatory strike against VanDussen. But exactly how much confidence should the public have in an elected body that apparently can't bear a citizen's scrutiny of the county's own audio tapes?



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